**Chapter 8**

**ELECTIONS**

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**Chapter 8**

**ELECTIONS**

**Sec. 8-1. Conduct of city elections.**

(a) All city elections shall be conducted and held in accordance with the provisions of the comprehensive election act of 1977 (hereinafter "Act").

(b) In accordance with the provisions of said Act,

1. The city of Potosi is a political subdivision as defined therein;

2. The county clerk of Washington County is the election authority as defined therein; and

3. The county clerk, as the election authority, conducts all city elections pursuant to the provisions of said Act except as provided below when the city clerk shall have all powers and duties granted to the county clerk under the provisions of the Act, except the provisions of Section 5.001 and Chapter 7 of the Act. (Ord. 525, §1.)

**Sec. 8-2. Election notification.**

If there is no other overlapping political subdivision or special district as defined in the Act conducting an election on the same day as the city election and if directed to do so by the board of aldermen by appropriate election ordinance, the city clerk, not later than 5:00 P.M. on the sixth Tuesday prior to said election date, shall notify the election authority and county clerk, in writing, that the city of Potosi intends to conduct its own election, the purpose and date of said election, and shall include with said notice a sample ballot and a certified copy of the legal notices of said election to be published in accordance with the provisions of the Act. (Ord. 525, §2.)

**Sec. 8-3. Qualified voters.**

All residents of the city who are qualified and timely and properly registered voters in accordance with the Act shall be entitled to vote at city elections. In order to vote at any city election, a person must be registered no later than 5:00 P.M. on the fourth Wednesday prior to the election. (Ord. 525, §3.)

**CROSS REFERENCE:**

**Sale of intoxicating liquor on election days, §3-41.**

**STATE LAW REFERENCE:**

**1. Election in fourth class cities, see RSMo. §§79.030 - 79.040.**

**2. Hours of polling place, see RSMo. §115.407.**

**Sec. 8-4. Filing requirements.**

Any person desiring to become a candidate for mayor, alderman, city collector, or city police judge shall file with the city clerk within the time prescribed by ordinance, a statement of such candidacy in substantially the following form:

state of missouri )

) SS.

county of washington )

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Street, city of Potosi, County of Washington, State of Missouri; that I am a qualified voter therein; that I am a candidate for election to the office of (mayor, alderman, city collector, or police judge - strike three) to be voted upon at the election to be held on Tuesday, the \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 19\_\_\_, and am eligible under RSMo 79.070, 79.080, and 79.250 therefor; and I hereby request that my name be printed upon the official ballot for election for such office; and that I will serve as such officer, if elected.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

My commission expires\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Ord. 525, §5.)

**Sec. 8-5. Statement of candidacy - Filing deadline.**

(a) If the opening date for filing a declaration of candidacy for any office in the City of Potosi, Missouri is not required by law, the opening filing date shall be 8:00 a.m., the fourteenth Tuesday prior to the election.

(b) If the closing date for filing a declaration of candidacy for any office in the City of Potosi, Missouri is not required by law, the closing filing date shall be 5:00 p.m. the ninth Tuesday prior to the election.

(c) The City of Potosi, Missouri shall, before the fourteenth Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the City of Potosi, Missouri. (Ord. 525, §6; Ord. 604, §1.)

**Sec. 8-6. Polling places - Designation.**

The election authority shall designate the polling places in all city elections and appoint all election judges; and the city shall pay all the election costs to the election authority conducting its election in accordance with the provisions of the Act. (Ord. 525, §7)

**Sec. 8-7. Polling places - Hours.**

The polls shall be open at 6:00 A.M. until 7:00 P.M. At 7:00 P.M., all voters at the polls, including any in line to vote, shall be permitted to vote. (Ord. 525, §8)

**Sec. 8-8. Assistance of police.**

It shall be the duty of the city police officers to give any assistance or protection required by the election authority, any employee of the election authority, or any election judge, and to comply with all lawful requests and directions of the election authority relating to such assistance. (Ord. 525, §9)

**Sec. 8-9. Date of general election.**

All city elections shall be held on Tuesday. The city general election day shall be the first Tuesday in April of each year. Other authorized city election days are the first Tuesday after the first Monday in February, June, August, October or November of each year. (Ord. 525, §10)

**Sec. 8-10. Notice of election to county clerk.**

In city elections conducted by the county clerk or county election authority, the city clerk shall notify the county clerk prior to 5:00 P.M. on the sixth Tuesday prior to any city election of the forthcoming city election. The notice shall be in writing and shall specify that the city is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published and the sample ballot. (Ord. 525, §11)

**Sec. 8-11. Ballots.**

(a) Ballots to be used in city elections shall be in substantially the following general form:

official ballot of the city of potosi

for the election for the office of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Instructions to voters: You may vote for only one candidate for office, Place an "X" in the box opposite the name of the candidate for whom you wish to vote.

(b) Names of candidates shall be placed on the ballot in the order in which they filed statements of candidacy with the city clerk.

(c) Sample ballots shall be prepared by the city clerk. (Ord. 525, § 12)

*(Revised 5/06)*

**Sec. 8-12. Special elections.**

(a) If a vacancy occurs in any elective city office by reason of death, resignation, or otherwise, a special election, if required and permitted by law, may be called by the Board of Aldermen, pursuant to the appropriate election ordinances and state statutes, for the purpose of filling the vacancy; and the person elected at such special election shall serve only for the balance of the unexpired term or until his successor is elected and qualified.

(b) If a vacancy occurs in any elective office, the mayor, or the person exercising the duties of the mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the mayor, or the person exercising the duties of the mayor, with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of mayor, nominations of a successor may be made by any of the members of the Board of Aldermen, and selected by the majority vote of the members of the Board of Aldermen. If no person receives the majority vote of the Board of Aldermen to fill the vacancy in the elected office, a Special Election shall be required pursuant to paragraph (a) above.

(c) The person appointed to the vacant office shall serve in that office only until the next general election in the city for which the deadline for filing as a candidate has not expired at the time of appointment, regardless of whether the term of the office was due to expire at that election or not. If the term of the vacant office was not due to expire on the next general election in the city for which the deadline for filing as a candidate has not expired at the time of appointment, the winner of that election shall serve the balance of the original term and not a full term.

(d) Sample ballots for all special elections must be furnished to the election authority by the City no later than the sixth Tuesday before the election.

(Ord. 525, §13; Ord. 917, §1)

**Sec. 8-13. Verification board.**

As soon as practicable after each city election, the election authority shall convene a verification board in accordance with the Act to verify the count and certify the results of the election. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election and shall certify the returns to the city clerk. The city clerk shall, as soon as possible after the city general elections or special election, issue to each person elected to office a certificate of election. (Ord. 525, §15.)

**Sec. 8-14. Tied elections.**

If two or more persons receive an equal number of votes for a city office and a higher number of votes than any other candidate for election to the office, the city clerk shall, immediately after the results of the election have been certified, issue a proclamation stating the facts. Thereafter the board of aldermen may, by appropriate election ordinance, order a special election. Only the name of those persons who have received an equal number of votes for election to the office and a higher number of votes than any other candidate for the office at the same election shall appear on the special election ballot. Such special election may be held on any Tuesday authorized by the board of aldermen by said ordinance. (Ord. 525, §16.)

*(Revised 5/06)*

**Sec. 8-15. Election ordinance; published notice.**

(a) Prior to each city election other than the April general election, the board of aldermen shall timely pass an election ordinance authorizing, establishing and providing the election procedure to be followed in the conduct of the election and setting out all dates specifically.

(b) After the passage of said election ordinance, the city clerk shall publish said ordinance in the Independent Journal in the next two successive issues. (Ord. 525, §17.)

**Secs. 8-16 to 8-20. Reserved.**